



PATENT  
Docket No. 304142000322

## DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: MURINE MONOCLONAL ANTI-IDIOTYPE ANTIBODY 11D10 AND METHODS OF USE THEREOF, the specification of which is attached hereto unless the following box is checked:

☒ was filed on May 9, 1997 as United States Application Serial No. 08/836,455.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing	Priority Claimed?
PCT/US96/20757	US	12/19/1996	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

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Application Serial No.	Filing Date	Status
08/575,762 (60/031,306)	12/20/1995	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned
08/591,965 (60/035,345)	01/29/1996	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned
08/766,350	12/13/1996	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9-13-02  
Date

Malaya Chatterjee  
Name: Malaya CHATTERJEE  
Residence: 3512 Reeves Drive, Fort Wright, Kentucky 41017  
Citizenship: United States of America  
Post Office Address: 3512 Reeves Drive, Fort Wright, Kentucky 41017

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Kenneth A. FOON  
Residence: 183 Bayview Drive, San Carlos, CA 94070  
Citizenship: United States of America  
Post Office Address: 183 Bayview Drive, San Carlos, CA 94070

9/13/02  
Date

Sunil Chatterjee  
Name: Sunil K. CHATTERJEE  
Residence: 3512 Reeves Drive, Fort Wright, Kentucky 41017  
Citizenship: United States of America  
Post Office Address: 3512 Reeves Drive, Fort Wright, Kentucky 41017



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Date

Name: Malaya CHATTERJEE  
 Residence: 3512 Reeves Drive, Fort Wright, Kentucky 41017  
 Citizenship: United States of America  
 Post Office Address: 3512 Reeves Drive, Fort Wright, Kentucky 41017

9/11/02

KR

Date

Name: Kenneth A. FOON  
 Residence: 183 Bayview Drive, San Carlos, CA 94070  
 Citizenship: United States of America  
 Post Office Address: 183 Bayview Drive, San Carlos, CA 94070

Date

Name: Sunil K. CHATTERJEE  
 Residence: 3512 Reeves Drive, Fort Wright, Kentucky 41017  
 Citizenship: United States of America  
 Post Office Address: 3512 Reeves Drive, Fort Wright, Kentucky 41017



PATENT  
Docket No. 30414/2000322  
Client Ref. 11D10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Malaya CHATTERJEE et al.

Serial No.: 08/836,455

Filing Date: May 9, 1997

For: MURINE MONOCLONAL ANTI-  
IDIOTYPE 11D10 AND METHODS OF  
USING THEREOF

Examiner: Stephen Rawlings

Group Art Unit: 1642

#  
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KD  
12-9-02

**DECLARATION OF MALAYA BHATTACHARYA-CHATTERJEE  
PURSUANT TO 37 C.F.R § 1.132**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Malaya Bhattacharya-Chatterjee, Ph.D., declare as follows:

1. I am an inventor named in the above-referenced patent application, under the name of Malaya Chatterjee.

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2. I am a Professor of Internal Medicine at the University of Cincinnati. I am currently also an adjunct Professor in the Department of Internal Medicine at the University of Kentucky. My research expertise includes the fields of immunochemistry and molecular oncology.

3. In collaboration with the other inventors of the above-referenced patent application, I developed and cloned the 11D10 antibody-producing hybridoma cell line.

4. I understand that Chakraborty, et al., *Journal of Immunotherapy* (1995) 18(2):95-103 has been cited as the basis of a rejection of the claims of the above-referenced patent application under 35 U.S.C. § 102(a).

5. Chakraborty, et al., *Journal of Immunotherapy* (1995) 18(2):95-103, is an article describing my own work and the work of the other co-inventors of this application. As summarized below, none of the co-authors who are not co-inventors of this application made independent contributions to generation of 11D10 antibody or the 11D10 producing cell line.

6. The affiliation and role of the non-inventor co-authors on this paper with respect to generation of 11D10 antibody (including the 11D10 producing cell line) was as follows:

- *Mala Chakraborty* was a post-doctoral fellow under my supervision in my laboratory at the time the experiments described in the paper above was carried out. Under my direction, Dr. Chakraborty participated in characterizing 11D10 antibody and assisted in carrying out the monkey studies using 11D10, but only under my direct supervision. She did not make any independent contributions to generating 11D10 or the 11D10 producing cell line.
- *Heinz Köhler*, a research scientist and colleague, did not participate in any way with the generation or characterization of 11D10. To the best of my knowledge and belief, he has never had possession of 11D10 antibody or the 11D10 producing cell line.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

9-13-02  
Date

Malaya Bhattacharya-Chatterjee  
Malaya Bhattacharya-Chatterjee, Ph.D.